

STATE PROPERTIES COMMITTEE MEETING

WEDNESDAY, APRIL 27, 2011

The meeting of the State Properties Committee was called to order at 3:03 p.m. by Chairman Ronald N. Renaud. Attendance of the members was taken by roll call and the following members made their presence known: Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay, Public Member; and Andrew Marcaccio representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Meredith Brady from the Rhode Island Senate Fiscal Office; Anthony Robinson from the State of Rhode Island General Assembly; Michael D. Mitchell, Cheryl Asquino and John P. Ryan from the Rhode Island Department of Administration; Annette Jacques, Colleen Kerr and Richard Kalunian from the Rhode Island Department of Transportation; John Faltus, Michelle Sheehan, Sarah Gousie, Jay McGinn and Richard Bianculli, Jr. from the Rhode Island Department of Environmental Management; Benjamin Cople from the Rhode Island Department of Labor and Training; Chris Feisthamel from the Rhode Island Office of General Treasurer; Stephen J. Brunero from the Rhode Island Department of Human Services, Office of Rehabilitation Services and Disability Determination Services; Katherine DiArezzo and Kent Willever from the Rhode Island Ethics Commission; Steven Feinberg from the Rhode Island Film & Television Office; Colin Walsh from Moonrise LCC; Milton Nachbar

from Clara Land Company, Inc., Danielle Dunn and Diana Pozzi from the Rhode Island Blood Center.

Chairman Renaud stated for the record that the State Properties Committee did have a quorum present.

ITEM A "C Department of Labor and Training "C A request was made for final approval of and signatures on a Lease Agreement, by and between the Pawtucket Redevelopment Agency and the Department of Labor and Training, for the premises located at 175 Main Street in the City of Pawtucket. Mr. Ryan stated that the Department of Labor and Training (the "Department") recently appeared before the State Properties Committee (the "Committee") seeking approval to renew the above-referenced Lease Agreement for a term of one (1) year. Mr. Ryan explained that there is some uncertainty relative to future federal funding, which the Department relies on heavily to operate the netWORKri program and to pay the rental fee at this location. Mr. Ryan explained that the Department is seeking approval of the subject one (1) year Lease Agreement to provide the Department with an opportunity to determine the nature of its funding formula going forward. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM B "C Film & Television Office/Department of Environmental Management/ Department of Administration "C A request was made for approval of and signatures on a Film Location Agreement with Moonrise, LLC, to allow the applicant to utilize various State-owned properties to film scenes for its film currently entitled Moonrise

Kingdom. Mr. Feinberg stated that the film is being directed by Academy Award nominated director Wess Anderson. The film features a phenomenal cast, which includes Bruce Willis, Bill Murray, Ed Norton, Tilda Swinton, Frances McDormand and Harvey Keitel. Mr. Feinberg indicated that Moonrise Kingdom is a family oriented nostalgic film set in 1965. Many of the scenes will be filmed on State-owned properties controlled by the Department of Environmental Management. Mr. Feinberg stated that Colin Walsh is the film's location manager. Mr. Walsh is a native of Rhode Island who was raised in Jamestown and now resides in Providence. Mr. Feinberg stated that the documents relating to this request include the Guarantee, a Letter of Good Standing, Certificate of Disclosure, Certificate of Liability Insurance naming the State of Rhode Island as additionally insured, 4 original executed License Agreements together with detailed location information and maps. Mr. Kay asked the total number of State-owned properties that will be utilized for filming. Mr. Walsh indicated that Moonrise plans to utilize approximately seven (7) State-owned properties for filming. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM C "C Department of Environmental Management "C A request was made for approval of and signatures on an Indenture of Lease with Robert Krause d/b/a Ninigret Oyster Farm for use of a boat dock located on the westerly side of Fort Ninigret in the Town of Charlestown. Ms. Primiano explained that the subject dock is situated on State-owned property and has been leased by Joseph

Turino, an abutting property-owner since 1997. As Mr. Turino recently passed away, the Department notified his family that they would need to vacate the property and remove the dock from the facility. Ms. Primiano indicated that shortly thereafter, another abutting property-owner, Robert Krause, approached the Department to request authorization to temporarily utilize the dock. Mr. Krause recently started a small oyster hatching operation and hopes to use the dock for this purpose. Ms. Primiano noted that Mr. Krause is currently in the process of obtaining a dock permit from the Rhode Island Coastal Resources Management Council. As the Department has no use for the dock, the intent was to incur the expense in order to remove said dock. However in light of Mr. Krause's request, the Department decided to negotiate an Indenture of Lease allowing the Lessee to utilize the facility. The Indenture of Lease contains a provision which obligates Mr. Krause to remove said dock at his own expense at the expiration of the term. Ms. Primiano stated the Department has received the indemnification and is now awaiting the submission of a certificate of insurance. The assessed fee for use of the dock is \$100.00 per month. Chairman Renaud asked if the Department considered engaging in a competitive process relative to the leasing of the dock. Ms. Primiano explained that, because Mr. Krause approached the Department directly with a request to utilize a dock the Department previously intended to remove, and because the Indenture of Lease neither provides for parking privileges, nor a grant of access through State-owned property, the Department believes that public interest would be insufficient to warrant the cost of

issuing a request for proposals. A motion to approve was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM D "C Department of Environmental Management "C A request was made for approval of and signatures on a License Agreement with Fort Adams Trust, to allow the Trust to hold a public Arts and Crafts Festival at Fort Adams State Park on Saturday, July 2, 2011, with a rain date of Sunday, July 3, 2011. Mr. Faltus stated that in February 2011, the State Properties Committee approved and executed the annual Fort Adams Trust's License Agreement to host various events throughout the 2011 Season. However, the request before the Committee today was not part of said annual License Agreement. The Trust recently approached the Department for permission to hold a public Arts and Crafts Festival at Fort Adams State Park as part of its fund raising efforts. Mr. Faltus indicated that, although the subject License Agreement also includes authorization to serve alcoholic beverages, none will be sold or served during said event. The Trust has secured the appropriate general liability and products liability insurance coverage, which remains in full force and effect until January of 2012. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM E "C Department of Environmental Management "C A request was made for approval of and signatures on a Warranty Deed for the purchase of 105 acres of land located along Cherry Farm Road in the Town of Burrillville; known as the Harrisville Quarries Property. Ms.

Sheehan stated that the acquisition of this property will be funded by a Wildlife Restoration Grant in the amount of \$218,557.50 through the United States Fish and Wildlife Service and with Department of Environmental Management Bond Funds in the amount of \$125,352.50. Ms. Sheehan noted that the subject property abuts and will be incorporated into the Black Hut Management Area. An existing series of walking trails on the property will be enhanced for public recreational use. Mr. Griffith asked Ms. Sheehan to clarify how the public will gain access to the subject property. Utilizing a site map of the subject property, Ms. Sheehan illustrated the exact location of the property's point of access. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM F "C Department of Environmental Management "C A request was made for approval of and signatures on an Easement Agreement with the City of East Providence to allow the Department to access property located on Omega Drive in the City of East Providence to construct a fishway at Omega Pond Dam. Mr. Bianculli stated that Items F, G and H are all related to the construction of a fishway at Omega Pond Dam. Said fishway will allow access for anadromous fish to travel up the Ten Mile River in order to breed in freshwater. Mr. Bianculli stated that an easement from the City of East Providence is necessary to transport construction equipment to the work area. For the edification of those who may not be familiar with the breeding practices of fish, Chairman Renaud asked Mr. Bianculli to please clarify what an anadromous fish is.

Mr. Bianculli apologized for his use of this technical terminology and explained that anadromous fish are simply fish that live in saltwater, but require freshwater in order to breed. He indicated that these fish actually swim into freshwater areas to lay their eggs and spawn. Chairman Renaud asked Mr. Bianculli to provide a brief summary regarding how the construction of this fishway will benefit these migratory species of fish. Mr. Bianculli deferred the Chair's request for more detailed information to Mr. McGinn. Mr. McGinn explained the Department of Environmental Management, working in conjunction with the United States Army Corp of Engineers, is presently working on a project to provide fish passages along the Ten Mile River. The goal is to assist these migratory species of fish up into the internal reservoir for breeding purposes. Mr. McGinn stated that this project includes the construction of fishways at three (3) dams along the river. He indicated that fishways are currently under construction at Hunt's Mill Dam and Turner Reservoir Dam. The subject fishway will be constructed at the Omega Pond Dam situated at the mouth of the Ten Mile River, which is a tidal area where it meets the Seekonk River. Mr. McGinn explained that these anadromous fish are born in fresh water. They leave their juvenile lives spent in freshwater and travel out to sea where they remain for a total of four (4) years; however, these fish are imprinted with inherent data, which directs them to return to the location where they were born for purposes of breeding. Mr. McGinn noted that herring, alewife and eel are all of the migratory species of fish. They are also a very important food source for the freshwater fish such as large mouth bass and are

essential to the ecosystem. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM G "C Department of Environmental Management "C A request was made for approval of and signatures on a Temporary Easement Agreement with the Department of Transportation to allow the Department of Environmental Management access over property located on Omega Drive in the City of East Providence to construct a fishway at Omega Pond Dam. Mr. Bianculli indicated that this is a request for a temporary easement over property controlled by the Department of Transportation also relating to the construction of the aforementioned fishway. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM H "C Department of Environmental Management "C A request was made for approval of and signatures on a Permanent Easement Agreement with the Department of Transportation to allow the Department of Environmental Management access over property located on Omega Drive in the City of East Providence to construct a fishway at Omega Pond Dam. Mr. Bianculli indicated that the Department is requesting the Committee's approval of a permanent easement over the aforementioned property to allow the Department of Environmental Management to maintain the fishway, in order to avoid potential problems, such as the fishway becoming obstructed by debris. Ms. Jacques stated that she has been working extensively with the Department of Environmental Management

relative to this project for approximately one (1) year. Ms. Jacques explained that the subject property is encumbered by an easement with the Providence/Worcester Railroad requiring the Departments to confer with the railroad in order to grant said easement access. Ms. Jacques noted that the sole purpose of the permanent easement is to allow the State access over the property for purposes of maintaining the fishway. Ms. Jacques indicated that in the event the Department of Transportation constructs Phase III of Waterfront Drive, the Department of Environmental Management will then be able to access the subject property via, Waterfront Drive, and ultimately render the subject easement unnecessary. Ms. Jacques noted that at this time, the Department of Transportation is beginning Phase II of the Waterfront Drive project. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM I "C Department of Environmental Management "C A request was made for approval of and signatures on a Deed to Development Rights and Conservation Easement over 38 acres of land located along Moitoza Lane in the Town of Portsmouth; known as the Wicks Nursery Property. Ms. Sheehan explained that the subject property currently operates as a Nursery and organic vegetable business. Ms. Sheehan stated that the Aquidneck Land Trust will be a co-holder of the Deed to Development Rights along with the Town of Portsmouth. Ms. Sheehan indicated that the total purchase price of said development rights is \$2 million dollars. The Agricultural Land Preservation Commission's contribution to this project is \$200,000

and the NRCS Farm and Ranchland Protection Program is contributing \$1 million dollars. A motion to approve was made by Mr. Woolley and seconded Mr. Kay.

Passed Unanimously

ITEM J "C Department of Human Services/Office of Rehabilitation Services "C

A request was made for final approval of a two (2) month lease extension for office space located at 40 Fountain Street in the City of Providence. Mr. Ryan indicated that the purpose of this short-term extension is to provide the Department of Human Services and Emanon Associates additional time to finalize lease renewal negotiations. Mr. Ryan noted that additional time is also needed to secure General Assembly funding approval. Mr. Ryan stated that currently there are approximately ten (10) leases which will require funding approval from the General Assembly. A motion to approve was made by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM K "C Department of Human Services/Disability Determination Services "C A request was made for final approval of a two (2) month lease extension for office space located at 40 Fountain Street in the City of Providence. Mr. Ryan stated this request is necessary for the same reasons stated above. Mr. Griffith asked why two separate lease agreements are required for a single agency to lease space within the same facility. Mr. Ryan noted that the reason the Department chooses to enter into separate lease agreements is because the funding for each of these sections differ greatly and, in

the event that one section were to lose its funding, the Department does not want that funding deficiency to automatically affect the operation of the other section. A motion to approve was made by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM L "C Rhode Island Ethics Commission "C A request was made for final approval of a two (2) month lease extension for office space located at 40 Fountain Street in the City of Providence. In view of the similarities between Item L and the previous items, a motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM M "C Office of the General Treasurer "C A request was made for final approval of a two (2) month lease extension for office space located at 40 Fountain Street in the City of Providence. For the identical reasons stated above, a motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM N "C Department of Administration/Department of Children, Youth and Families "C A request was made for approval of an Assignment and Assumption of Leases relating to leased property located at 192 Pine Street in the City of Providence. Mr. Mitchell explained that the State of Rhode Island entered into a Lease Agreement with E.A.L. Corporation in August of 2010, for the use of a parking lot located adjacent to the Department of Children, Youth and Families; facility located at 137 "C 151 Friendship Street in the City of Providence. Mr. Mitchell indicated that in 2011, the owner of the

property, Clara Land Company, Inc., filed suit against E.A.L. Corporation under the Landlord/Tenant Act, which resulted the parties entering into a Consent Judgment in the Sixth Division District Court, whereby Clara Land Company, Inc. reclaimed possession of its property, subject to the Lease Agreement with the State of Rhode Island. Mr. Mitchell stated that the Consent Judgment provides for an assignment of the Lease Agreement from E.A.L. Corporation to Clara Land Company, Inc. and therefore, the Department of Administration and the Department of Children, Youth and Families are before the State Properties Committee today seeking approval of the Assignment and Assumption of Leases. Mr. Mitchell stated that the Lease itself does not contain an approval clause; however, he believes that it is appropriate that the State Properties Committee consider and grant approval of the Assignment and Assumption of Lease. The Lease Agreement will continue status quo with payments being made to the Clara Land Company, Inc. Mr. Woolley indicated that he agreed with Mr. Mitchell's position regarding the State Properties Committee maintaining control over assignments of leases. Therefore, Mr. Woolley believes that the decision to seek the Committee's approval of the Assignment and Assumption of Leases is appropriate. Mr. Mitchell stated that this morning Clara Land Company, Inc. submitted a Certificate of Disclosure of Corporation and a copy of the same has been provided to Ms. Rhodes for the State Properties Committee's file. Mr. Griffith asked if a Certificate of Insurance has been submitted. Mr. Mitchell indicated that he has not yet received a Certificate of Insurance, but

he assured the Committee that he would see to it that the appropriate Certificate of Insurance is provided to the Department forthwith. Mr. Nachbar, on behalf of the Clara Land Company, Inc., stated that the appropriate liability insurance coverage is presently in full force and effect. A motion to approve was made by Mr. Woolley, subject to the submission of the appropriate Certificate of Insurance by Clara Land Company, Inc. to the Department of Administration. Said motion to approve was seconded by Mr. Griffith.

Passed Unanimously

ITEM O "C Department of Transportation "C A request was made for approval of a Temporary Easement Agreement for an easement over property located on High Street in the Town of Burrillville in conjunction with the Rehabilitation of Pascoag Bridge No. 198 Project. Ms. Kerr stated that on January 18, 2011, the State Properties Committee granted the Department's request to enter into negotiations concerning the subject Temporary Easement Agreement. Ms. Kerr noted that the rehabilitation of said bridge is necessary in order to increase the strength of said structure. The Temporary Easement Agreement is for a term of two (2) years to install erosion controls to hold the soil in place and to remove water in order to effectuate the construction work. Ms. Kerr noted that the total cost of said Temporary Easement Agreement is \$1,215.00, of which eighty (80%) percent is federally funded. Ms. Kerr respectfully requested the Committee's approval and execution of the subject Agreement. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously ITEM P "C Department of Transportation
"C A request was made for approval of and signatures on a Warranty
Deed conveying, to the Department of Transportation, 13,271 square
feet of land located at 1703 Mineral Spring Avenue in the Town of
North Providence; designated as New State Highway Plat 2712; Parcel
1A. After a discussion concerning the subject request, a motion was
made to table Item P to a future meeting of the State Properties
Committee to provide the Department of Transportation with the
opportunity to obtain all pertinent information in order to thoroughly
address and answer the questions and concerns of the Committee.

Passed Unanimously

ITEM Q "C Department of Administration "C A request was made for
approval of and signatures on a License Agreement with the Rhode
Island Blood Center to allow the Center to utilize State House Park for
°The Pints for Life Walk.± on June 12, 2011.

Ms. Dunn explained that the Rhode Island Blood Center (the
°Center±) is planning to host a new event called °The Pints for Life
Walk± and is planning to begin the event at the Providence Donor
Center located on Promenade Street in the City of Providence. The
route of the walk will continue along through Water Place Park and
onto South Main Street and hopefully conclude on the State House
Lawn, subject to the Committee's approval. Chairman Renaud asked
what specific activities the Center intends to hold on the State House
Ground. Ms. Dunn presented a schematic of the event for the
Committee's review. Ms. Dunn explained that the Center plans to
erect approximately seven tents measuring eight (8) feet by eight

(8jā) feet. Chairman Renaud asked whether the Center has been informed that the use of stakes to erect tents on the State House Lawn is strictly prohibited. Ms. Dunn stated that the Center has been well informed concerning all restrictions relative to the use of the State House Lawn and assured the Committee that every precaution will be taken to ensure that the property is returned to its usual condition. Chairman Renaud asked if any food would be sold or served. Ms. Dunn stated that Papa John's will be providing pizza for the participants of the event, but other than water and juice, no other food or beverages would be available on the grounds. Chairman Renaud asked if arrangements have been secured to ensure that any and all litter and/or debris will be removed from the grounds. Ms. Dunn indicated that said arrangements have been secured. Chairman Renaud reminded both Ms. Dunn and Ms. Pozzi that a tremendous amount of money, effort and time has been expended to replace the outdoor marble entrance and to maintain the pristine appearance of the State House and its grounds. Chairman Renaud explained that the State of Rhode Island wants its residents to utilize the grounds and enjoy events held at their State House, but expects that those that host and participant in said events do so responsibly and in accordance with the conditions set forth in the License Agreement. Chairman Renaud also requested that the Center promptly provide all required documents to the Department of Administration including, but not limited to, the appropriate Certificate of Insurance and the like. On behalf of the Committee, Chairman Renaud thanked both Ms. Dunn and Ms. Pozzi and wished the Center much success relative to

this very worthy cause. A motion to approve was made by Mr. Woolley, subject to the submission of the appropriate Certificate of Insurance to the Department of Administration as well as any and all other required documents. Said motion to approve was seconded by Mr. Kay.

Passed Unanimously

The Committee may move to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public relating to the following three (3) items:

A motion was made to enter Executive Session by Mr. Griffith and seconded by Mr. Woolley.

A roll call vote was taken and the votes were as follows: Mr. Griffith voted i°Aye,i± Mr. Kay voted i°Ayei± Mr. Woolley voted i°Aye,i± and Chairman Renaud voted i°Ayei±.

ITEM EI °C Department of Transportation °C A request was made for authorization to enter into negotiations with three (3) property owners to acquire three (3) temporary easement agreements for a two (2) year period in order to complete the rehabilitation of the Randall Street Bridge No. 974. After discussion in Executive Session, a motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM E2 "C Department of Transportation "C A request was made for reauthorization to acquire land and easements by virtue of Condemnation Plat 2719

for the Rehabilitation of Pocasset River Bridge No. 23 located on Reservoir Avenue (Route 2), in the City of Cranston. After discussion in Executive Session, a

motion to approve was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM E3 "C Department of Transportation "C A request was made for authorization to acquire a permanent easement by virtue of Condemnation Plat 2566A in connection with the Freight Rail Improvement Project located on a portion of the Onset Street Right-of-Way in the City of Warwick. After discussion in Executive Session, a motion to approve was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

Mr. Griffith moved to return to the regular session of the meeting and to seal the minutes of the Executive Session until such time as the matters are resolved. Said Motion was seconded by Mr. Woolley.

Passed Unanimously

The Committee returned to the regular session of the meeting at 3:49 p.m.

There being no further business to come before the State Properties

Committee, the meeting was adjourned at 3:50 p.m. The motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary